

Equitable Set-Aside Questions and Answers

The following are detailed questions regarding this topic. For a more general frequently asked questions on this topic, see www.dpi.wi.gov/sped/idea-funding-faq.html.

1. What evidence is needed to determine a private school student who came from another school district is a child with a disability?

The school district where the private school is located should have an IEP team report documenting a child is a child with a disability before including the child in the October 1 count of parentally placed private school students with disabilities required under 34 CFR 300.133(c).

2. Should a school district go beyond contacting private schools within the district to locate parentally placed private school students?

The school district where the private school is located has a duty under its child find obligation to locate, identify, and evaluate all children with disabilities attending private elementary and secondary schools in the school district, including religious schools. In order to carry out this obligation, the school district must undertake activities similar to the activities for the school district's public school students. The activities must be completed in a time period comparable to that for public school students. Such activities may include preschool screening, referrals, establishing community referral networks, public notices, and other activities similar to those for public school students.

Schools districts have an obligation to consult with private school representatives about how the child find processes for private school students will operate throughout the year and how parents, teachers, and private school officials will be informed about the process.

3. When a child enrolls in a private school in a school district other than the child's school district of residence, should the non-resident district contact the school district of residence for information about the child?

If there is reason to believe a child has already been evaluated by the resident school district, the school district where the private school is located should transmit a request and a signed parental consent for release of special education records to the resident district. Alternatively, copies of the records may be obtained from the parents.